

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**RICHARD ALAN DAVIS
ADC #89568**

PLAINTIFF

V.

CASE NO. 5:12CV00371 BSM

**RAY HOBBS, Director,
Arkansas Department of Correction et al.**

DEFENDANTS

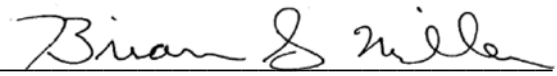
ORDER

The recommended disposition received from Magistrate Judge Beth Deere has been reviewed, along with the filed objections. After careful review of the recommendation and the timely objections received, as well as a *de novo* review of the record, it is concluded that the recommendation should be, and hereby is, approved and adopted in all respects.

Defendants' motion for summary judgment [Doc. No. 53] is GRANTED. Mr. Davis's due process claims are DISMISSED with prejudice. His eighth amendment claims against defendants Hobbs, Meinzer, Culclager, Page, and Stephens are DISMISSED, without prejudice, based on Mr. Davis's failure to exhaust his administrative remedies. Mr. Davis's claim that defendants Magness and Banks violated his constitutional rights by failing to properly staff the Varner Unit of the ADC is DISMISSED without prejudice. Mr. Davis's claims against defendants in their official capacities for money damages are DISMISSED with prejudice.

Mr. Davis's motion for partial summary judgment [Doc. No. 20] is DENIED as moot.

IT IS SO ORDERED this 18th day of June 2013.

A handwritten signature in black ink, reading "Brian S. Miller". The signature is written in a cursive, flowing style. The first name "Brian" is followed by a middle initial "S." and the last name "Miller". The signature is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE